IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 420 OF 2006

WITH

CIVIL APPLICATION NO. 541 OF 2006

IN

APPEAL FROM ORDER NNO. 420 of 2006

Dinkar Tukarak Ghatte .. Appellant

versus

Arjun Dinkar Ghatte .. Respondent

...

Mr.Amit Borkar for the appellant.

Mr.Sachin Manale i/b S.S. Pakale for the respondent.

CORAM : D.G. KARNIK, J

DATED : 14th December 2006

P.C.:

1. Heard counsel for the parties.

2. Admit.

3. This is not a fit case for grant of a stay. The respondent filed a suit for partition. In the suit for partition, he prayed for injunction restraining alienation of the property. The trial court has granted the injunction. If the injunction is stayed, respondents would dispose of the property and the very suit of the respondent may become infructuous. In the circumstances, interim relief is declined. Civil application is dismissed.

4. Admission of the appeal would not prevent the trial court from proceedings with the hearing of the suit in the usual course.

(D.G. KARNIK, J)